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Linda McCulloch
Secretary of State

SENATE JUDICIARY
EXHIBIT NO. 10
DATE 3/13/09
BILL NO. HB490

To: Senate Judiciary Committee members
Rep. Van Dyke

From: Jorge Quintana, Chief Legal Counsel

RE: HB 490

During the hearing on HB490, Sen. Shockley asked if a voter's precinct will identify if that voter resides within city limits or not. The answer is no. There are precincts where some residents of that precinct reside within city limits and some residents do not. The applicable statutory law follows.

Mont. Code Ann. §13-3-101. Establishment of election precincts.

(1) The territorial unit for elections is the election precinct. All election precincts shall be designated by numbers, names, or both.

(2) The governing body of each county shall establish a convenient number of election precincts, equalizing the number of electors in each precinct as nearly as possible.

Mont. Code Ann. §13-3-104. Precincts, wards, and election districts. (1) A ward or election district may be divided into two or more precincts, and a precinct may be divided into two or more polling places.

(2) Precincts may include two or more adjoining wards or election districts, together with contiguous territory lying outside the municipality or district, if provision can be made for clearly identifying the electors eligible to vote in each ward or district.

Precinct lines are drawn by the governing boards of each county. Mont. Code Ann. § 13-3-104(2) allows for single precincts to include both city and non-city residents. Examples include Precincts 43, 53 and 67 in Missoula County, Precincts 3 and 7 in Jefferson County and Precinct 21 in Lewis and Clark County. This list is not exhaustive.

Thank you for the opportunity to clarify this matter. If there is anything else that I can be of assistance, please do not hesitate to ask.